

1 **SENATE FLOOR VERSION**

2 April 3, 2017

3 ENGROSSED HOUSE
4 BILL NO. 2178

By: Ortega of the House

and

Stanislawski of the Senate

8 An Act relating to credit card transactions; amending
9 14A O.S. 2011, Sections 2-211, as last amended by
10 Section 2, Chapter 319, O.S.L. 2015, and 2-417, as
11 last amended by Section 3, Chapter 319, O.S.L. 2015
12 (14A O.S. Supp. 2016, Sections 2-211 and 2-417),
13 which relate to surcharge for the use of credit or
14 debit cards; allowing private schools to charge a
15 service fee; and providing an effective date.

14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 14A O.S. 2011, Section 2-211, as
16 last amended by Section 2, Chapter 319, O.S.L. 2015 (14A O.S. Supp.
17 2016, Section 2-211), is amended to read as follows:

18 Section 2-211. A. With respect to all sales transactions, a
19 discount which a seller offers, allows or otherwise makes available
20 for the purpose of inducing payment by cash, check or similar means
21 rather than by use of an open-end credit card account shall not
22 constitute a credit service charge as determined under Section 2-109
23 of this title if the discount is offered to all prospective buyers
24 clearly and conspicuously in accordance with regulations of the

1 Administrator of Consumer Affairs. No seller in any sales
2 transaction may impose a surcharge on a cardholder who elects an
3 open-end credit card or debit card account instead of paying by
4 cash, check or similar means. There is no limit on the discount
5 which may be offered by the seller. A seller who provides a
6 discount otherwise than in accordance with the regulations of the
7 Administrator must make the disclosures required by those
8 regulations.

9 B. A seller who is registered with the United States Treasury
10 Department as a money transmitter pursuant to 31 CFR, Section
11 103.41, and who provides an electronic funds transmission service,
12 including service by telephone and the Internet, may charge a
13 different price for a funds transmission service based on the mode
14 of transmission used in the transaction without violating this
15 section so long as the price charged for a service paid for with an
16 open-end credit card or debit card account is not greater than the
17 price charged for such service if paid for with currency or other
18 similar means accepted within the same mode of transmission.

19 C. Any seller subject to the provisions of subsection B of this
20 section shall either conduct business at a location in this state or
21 comply with the provisions of Section 1022 of Title 18 of the
22 Oklahoma Statutes.

23 D. As used in this section, "debit card" means any instrument
24 or device, whether known as a debit card or by any other name,

1 issued with or without fee by an issuer for the use of the
2 cardholder in depositing, obtaining or transferring funds from a
3 consumer banking electronic facility.

4 E. For purposes of this section, a private educational
5 institution as defined in paragraph (e) of Section 3102 of Title 70
6 of the Oklahoma Statutes, a private school defined as a nonpublic
7 entity conducting an educational program for at least one grade
8 between prekindergarten through twelve, a municipality as defined in
9 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or
10 a public trust with a municipality as its beneficiary may charge a
11 ~~convenience~~ service fee. The ~~convenience~~ service fee shall be
12 limited to bank processing fees and financial transaction fees, the
13 cost of providing for secure transaction, portal fees, and fees
14 necessary to compensate for increased bandwidth incurred as a result
15 of providing for an online transaction.

16 SECTION 2. AMENDATORY 14A O.S. 2011, Section 2-417, as
17 last amended by Section 3, Chapter 319, O.S.L. 2015 (14A O.S. Supp.
18 2016, Section 2-417), is amended to read as follows:

19 Section 2-417. A. No seller in any sales transaction may
20 impose a surcharge on a cardholder who elects to use a credit card
21 or debit card in lieu of payment by cash, check or similar means.

22 B. As used in this section, "debit card" means any instrument
23 or device, whether known as a debit card or by any other name,
24 issued with or without fee by an issuer for the use of the

1 cardholder in depositing, obtaining or transferring funds from a
2 consumer banking electronic facility.

3 C. For purposes of this section, a private educational
4 institution as defined in paragraph (e) of Section 3102 of Title 70
5 of the Oklahoma Statutes, a private school defined as a nonpublic
6 entity conducting an educational program for at least one grade
7 between prekindergarten through twelve, a municipality as defined in
8 paragraph 5 of Section 1-102 of Title 11 of the Oklahoma Statutes or
9 a public trust with a municipality as its beneficiary may charge a
10 ~~convenience~~ service fee. The ~~convenience~~ service fee shall be
11 limited to bank processing fees and financial transaction fees, the
12 cost of providing for secure transaction, portal fees, and fees
13 necessary to compensate for increased bandwidth incurred as a result
14 of providing for an online transaction.

15 SECTION 3. This act shall become effective November 1, 2017.

16 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
17 April 3, 2017 - DO PASS
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